

REMARKS

Claims 1, 6, 7, 16, 21, 25, and 36 are amended herein. Claims 1-4, 6, 7, 11, 13-21, 25, 26, 32, 34, 36, 37, 39, and 42 are currently pending in the case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Section 101 Rejection

Claims 16-21 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. In response thereto, independent claims 16 and 21 are amended and believed directed to functional descriptive matter and therefore statutory.

Section 112 Rejection

Claims 6 and 7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response thereto, claims 6 and 7 are amended to correct their dependency. Accordingly, removal of this rejection is respectfully requested.

Section 102 Rejection

Claims 1-3, 6-7, 13, 14, 16, 20, 25, 26, 32, 34, 36, 39, and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,209,007 to Kelley et al. (hereinafter referred to as “Kelley”). Claim 21 was rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application No. 2002/0143821 to Jakubowski (hereinafter referred to as “Jakubowski”). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Neither Kelley nor Jakubowski disclose all limitations of the pending claims as set forth in more detail below.

Claim 1 is amended to clearly distinguish over Kelley. For example, claim 1 addresses “extracting scripted content, wherein the content is only visible when loaded and executed, from the one or more websites including loading and executing the scripted content” Support for this distinction is found in the specification, e.g., pp 14-15. Claim 25 is amended for clarity so that the redundant use of the term “information” was not confusing. Claim 36 adds the step “navigating one or more websites based, in part, on the extracted information of interest.” Claim 36 addresses subject matter found, *inter alia*, on pages 13-15. Claims 1, 25, and 36 are clearly not anticipated by Kelley.

Applicant’s view of Kelley and its teachings appears to differ from the view in the Office Action. Accordingly, Applicant is submitting as evidence in the case the Declaration of Paul Dingman concerning the proper interpretation of the teachings of Kelley to one of skill in the art.

Section 103 Rejection

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view of U.S. Patent Application Publication No. 2004/0143567 to Gross et al. (hereinafter “Gross”). As discussed above, it is respectfully asserted that dependent claim 4, which depends from claims 3 and 1, is patentably distinct as amended over Kelley or the combination of Kelley and Gross for at least the same reasons as its base claim.

Claims 11, 15, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view of U.S. Patent No. 7,047,318 to Svedloff (hereinafter “Svedloff”). As discussed above, it is respectfully asserted that depending claims 11, 15, and 19 are patentably distinct over Kelley or the combination of Kelley and Svedloff for at least the same reasons as their respective base claim.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view of “Effective Web Data extraction with standard XML technologies” by Myllymaki (hereinafter “Myllymaki”). It is believed that independent claim 16 is statutory subject matter as discussed above and novel over Kelley: it is respectfully asserted that dependent claim 17 is patentably distinct over Kelley or the combination of Kelley and Myllymaki for at least the same reasons as its base claim.

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view of U.S. Patent No. 6,681,217 to Lewak (hereinafter “Lewak”). As discussed above, it is respectfully asserted that dependent claim 18 is patentably distinct over Kelley or the combination of Kelley and Lewak for at least the same reasons as its base claim.

Claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view of Jakubowski. As discussed above, it is respectfully asserted that dependent claim 37 is patentably distinct over Kelley or the combination of Kelley and Jakubowski for at least the same reasons as its base claim.

CONCLUSION

This response constitutes a complete response to all of the issues raised in the Office Action mailed February 26, 2008. In view of the amendments and remarks herein, Applicants assert that pending claims 1-4, 6, 7, 11, 13-21, 25, 26, 32, 34, 36, 37, 39, and 42 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to deposit account no. 50-3268.

Respectfully submitted,

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